FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO   MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

     Plaintiff/Respondent,

v.   No. 15-cv-0770 KG/SMV
                                                                14-cr-3643 KG-1

JOEL CORDOVA-ORDAZ
aka JOEL ORDEZ-CORDOVA,

     Defendant/Petitioner.

ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [CV Doc. 9; CR Doc. 39[1]] ("PF&RD"), issued on February 19, 2016. On reference by the undersigned, the Honorable Stephan M. Vidmar, United States Magistrate Judge, reviewed Defendant/Petitioner ("Petitioner") Joel Cordova-Ordaz's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, filed on August 31, 2015. [CV Doc. 1, CR Doc. 29 ("§ 2255 Motion"). PF&RD [CV Doc. 9; CR Doc. 39]. Judge Vidmar found that the Motion should be denied, except with regard to the issue of whether Petitioner directed his counsel to file an appeal after sentencing. As to that claim, Judge Vidmar concluded that appointment of counsel and a limited evidentiary hearing were warranted. No party has filed objections to the PF&RD, and the time for objecting has passed.

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[1] References that begin with "CV" are to case number 14-cv-0957 RB/SMV. References that begin with "CR" are to the underlying criminal case, 12-cr-2903 RB.

IT IS THEREFORE ORDERED, ADJDUGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [CV Doc. 9; CR Doc. 39] are **ADOPTED**.

IT IS FURTHER ORDERED that Defendant/Petitioner ("Petitioner") Joel Cordova-Ordaz's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [CV Doc. 1, CR Doc. 29] is **DENIED** except with regard to the limited issue of whether Plaintiff Petitioner requested that counsel file an appeal.

IT IS SO ORDERED.

KENNETH J. GONZALES
United States District Judge